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THE MANDATE OF THE COMMISSION

The Royal Commission on Newspapers is directed to examine the operation of the daily newspaper industry in Canada; to inquire into the causes and consequences of an increase in the concentration of press ownership and control; and to suggest what measures, if any, are required to ameliorate the present situation of the industry.

The basis for the Commission's appointment is a presumption that newspapers have responsibilities to the public (which are left for the Commission to identify and define) and that the elimination of newspapers has consequences for individual citizens, for their communities, and for the nation as a whole.

The Commission's terms of reference are contained in an Order-in-Council of September 3, 1980, providing for its appointment. The Order-in-Council sets out the situation giving rise to the inquiry, its objectives, and the competences accorded the Commission in order to make its report, which is required by July 1, 1981.

The reasons for the inquiry are outlined in two prefatory clauses citing a report to Privy Council from the Prime Minister. These state that there has been a decline in the number of daily newspapers serving major cities, that fewer cities have competing newspapers, and that fewer companies control the newspapers that are left. A third clause declares that the extent and causes of this development, and its implications for the country, should be studied without delay.

These prefatory passages of the Order are an essential part of the Commission's terms of reference, since they set out an appreciation of the situation and a "desirable" course of action. Acting on the Prime Minister's recommendation, Cabinet provides for the appointment of the Commission and charges it with a number of assignments.

Cabinet calls for a general inquiry into the newspaper industry in Canada. Within this framework, the Commission is also to inquire specifically into concentration of ownership and control and the recent closing of newspapers. Thus the immediate situation giving rise to the inquiry is the closing of the Ottawa Journal and The Winnipeg Tribune, and the concentration of ownership and control in the cases of the Vancouver Sun and the Vancouver Province, and the Montreal Gazette. These events took place on August 27, 1980. But as the prefatory passages make clear, they are to be seen as a further development in the process of concentration described ten years ago in the report of the Special Senate Committee on Mass Media, whose findings are reflected in the language of the Order-in-Council.


Without limiting the general scope of its inquiry, the Commission is required to examine and report on particular questions which are set out in three clauses. A fourth clause directs it to report on remedies, if any are seen to be required.

The first question concerns the newspaper industry's responsibilities to the public. What are those responsibilities? Has the daily newspaper a unique and essential role, distinct from those of other information media? Has the discharge of its responsibilities been adversely affected up to now? Might it be affected in the future? To what degree? These questions link "responsibilities to the public" with "the present situation in the newspaper industry" -- that is, a situation of a declining number of newspapers, reduced competition, and increasing concentration of control.

The second question deals with the effect on individuals, and on the life of the community, in cities where newspapers have been closed in recent years. For practical purposes, the Commission would expect to pay special attention to developments in the years since the report of the Special Senate Committee in 1970.

The third question deals with consequences on a national scale of "the present situation in the newspaper industry". The Commission is to look into consequences for the political, economic, social, and intellectual vitality and cohesion of the nation as a whole.

The fourth and final question to be taken up by the Commission is what to do about "any matter" coming within its purview. What measures, if any, might be warranted to remedy the results of the concentration of ownership and control in the newspaper industry and the recent closing of newspapers? Here again, the Order-in-Council requires attention to the immediate situation as well as the longer-term one.



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CANADA

PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3 September, 1980

The Committee of the Privy Council, having had before it a report from the Right Honourable Pierre Elliott Trudeau, the Prime Minister, submitting:

that there has been a decline in the number of daily newspapers serving major cities and a decline in the number of cities in which competition between daily newspapers exists;

that there has been increased concentration of ownership and control of daily newspapers in Canada; and

that it is desirable that a study be undertaken, without delay, into the extent and causes of the aforesaid situation, and into the implications for the country of that situation.

The Committee, therefore, on the recommendation of the Prime Minister, advises that Mr. Thomas Worrall Kent, of Mabou, in the Province of Nova Scotia, be appointed a Commissioner under Part I of the Inquiries Act to inquire generally into the daily newspaper industry in Canada, specifically into the concentration of the ownership and control of the industry and into the recent closing of newspapers, and, without limiting the general scope of this inquiry, to examine and report on:

- (a) the degree to which the present situation in the newspaper industry has affected or might affect fulfilment of the newspaper industry's responsibilities to the public;

- (b) the consequences of the elimination of daily newspapers for individual citizens and community life in those cities where a newspaper has been eliminated in recent years;
- (c) the consequence of the present situation in the newspaper industry for the political, economic, social and intellectual vitality and cohesion of the nation as a whole;
- (d) such measures as might be warranted to remedy any matter that the Commission considers should be remedied as a result of the concentration of the ownership and control of the industry and the recent closing of newspapers.

The Committee further advises that

- 1. the Commission be authorized to exercise all the powers conferred upon Commissioners by section 11 of the Inquiries Act;
- 2. the Commission be authorized to adopt such procedures and methods as it may from time to time deem expedient for the proper conduct of the inquiry and sit at such times and in such places in Canada as it may decide from time to time;
- 3. the Commission be authorized to engage the services of such counsel, staff, clerks and technical advisers as it considers necessary or advisable at such rates of remuneration and reimbursement as may be approved by the Treasury Board;

- (b) The management of the individual of daily newspaper the individual citizens and community life in those cities where a newspaper has been published in recent years;
- (c) The management of the press in relation to the newspaper industry for the political, economic, social and intellectual vitality and cohesion of the nation as a whole;
- (d) Such measures as might be warranted to remedy any defect that the Commission considers should be remedied as a result of the investigation of the ownership and control of the industry and the recent changes in management.

The Commission further advises that

1. The Commission be authorized to exercise all the powers mentioned upon Commission by section 11 of the Federal Act;
2. The Commission be authorized to adopt such procedures and methods as it may deem to be necessary and expedient for the proper conduct of the inquiry and all as such other and in such places as it may deem to be necessary;
3. The Commission be authorized to employ the services of such persons, staff, clerical and technical assistance as it considers necessary or desirable in the conduct of its investigation and to make such use of any information or material as may be required by the Treasury Board.

4. the Commission be required to report to the Governor in Council not later than July 1st, 1981;
5. the Commission be required to file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry;
6. the officers and employees of the departments and agencies of the Government of Canada be required to render such assistance to the Commission as it may require for the inquiry; and
7. the said Mr. Thomas Worrall Kent be designated as the Chairman of the Commission.

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P. J. P. P.

